

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

EMPLOYERS INSURANCE COMPANY  
OF WAUSAU,

Plaintiff,

**v.**

**No. 22-cv-2530**

DAN WALKER ASSOCIATES,  
INCORPORATED, et al.,

**Defendants.**

## ORDER REQUIRING PARTIES TO ADDRESS JURISDICTION

Currently pending is Defendant A&T Builders, LLC's ("A&T") February 16, 2023 Motion to Amend Pleadings and Join Parties. (ECF No. 76.) Before the Court can address the Motion to Amend, it must assure itself of its jurisdiction. See Hampton v. R.J. Corman R.R. Switching Co., 683 F.3d 708, 710-11 (6th Cir. 2012) (stating that courts must ensure they have jurisdiction even if the matter must be raised sua sponte).

Plaintiff Employers Insurance Company of Wausau alleges this Court has diversity jurisdiction under 28 U.S.C. § 1332. (ECF No. 1 at 4.) Plaintiff asserts that its request for \$1.6 million in damages exceeds the amount-in-controversy threshold and represents that there is complete diversity between Plaintiff and Defendants. (Id. at 4, 19.)

The information in the complaint, taken as true, is not sufficient to establish complete diversity. Defendants A&T, Stability Engineering, LLC ("Stability"), and Geotechnology, LLC ("Geotechnology") are limited liability companies (collectively, the "LLC Defendants").<sup>1</sup> (Id. at 2-3.) "A limited liability company . . . has the citizenship of its members and sub-members." Akno 1010 Mkt. St. St. Louis Mo. LLC v. Pourtaghi, 43 F.4th 624, 626 (6th Cir. 2022). In its complaint, Plaintiff alleges only the principal places of business of these LLCs, saying nothing about the identity or citizenship of their members. (ECF No. 1 at 2-3.) It is possible that one or more Defendants share citizenship with Plaintiff, which would defeat diversity.

To ensure the Court's jurisdiction, and because the pertinent Defendants will have easier access to the relevant information about citizenship, Defendants A&T, Stability, and Geotechnology are ORDERED to file notices disclosing their respective memberships. See Nelson v. Swistock, No. 06-36-KSF, 2006 U.S. Dist. LEXIS 117128, at \*16 (E.D. Ky. Sept. 28, 2006) ("[A] court has the power to determine whether it has jurisdiction over the parties to and subject matter of the suit

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<sup>1</sup> The complaint alleges that "Defendant A&T Builders, LLC[] . . . is a corporation," but A&T denies this in its answer. (ECF No. 1 at 2; No. 48 at 2.)

-- i.e., it has jurisdiction to determine its own jurisdiction.”  
(citing Chicot Cnty. Drainage Dist. v. Baxter State Bank, 208 U.S. 371, 376 (1940))). More specifically, A&T, Stability, and Geotechnology must each file, within ten days of the entry of this Order, a notice disclosing the state of incorporation and principal place of business of any corporation that is a member of the respective LLC Defendant. The notice must also include the domicile of any natural person who is a member. Should any LLC Defendant have another LLC as a member, similar information for that LLC should be provided.

SO ORDERED this 1st day of May, 2023.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE